S.B.Cr.Misc. Bail Appication No.5593/2007

(Hansraj & Anr. Vs. State of Rajasthan)

Date of order : November 22, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.M.K.Garg, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor.
Mr.Kulwant Singh, for the complainant.

Heard learned counsel for the petitioners, Public Prosecutor for the State and the counsel for the complainant. Perused the order impugned and the police investigation diary.

It is contended by the learned counsel for the petitioners that there is a cross case being FIR No.303/2007 against the complainant party in which both the petitioners and Surendra Kumar, Mani Ram, Kishan Lal, Surendra and Mainpal have suffered numerous injuries.

I have also gone through the FIR of the cross case in which Surendra Kumar alleged to have suffered four injuries, one of which is on the left parietal region of the skull by sharp edged weapon and one of the injuries suffered by him is grievous in nature. So far as Mahendra Singh is concerned, he suffered three injuries, one of which by sharp edged weapon on back of

the chest and other is on upper part of the right shoulder by sharp edged weapon and one of the injuries is grievous in nature. So far as Hansraj is concerned, he suffered three injuries, the injury No.1 by sharp edged weapon is on right parietal part of the skull and one of the injuries is grievous in nature. Injured Mahendra Kumar has suffered six injuries and Mainpal suffered as many as four injuries, one of which is on right parietal region of the skull and one of the injuries is grievous in nature. So is the position of Hansraj, who also suffered injuries.

In the instant case, there are number of injured viz. Kishan Lal, Shiv Prakash, Jagdish and Iner Sain. On perusal of the injury reports of these persons, it appears that by and large the similar nature and number of injuries have been suffered by the complainant party, may be some of the injured in this case must have suffered more injuries but the nature and number of injuries are almost similar.

Be that as it may, without commenting on the merit of the case, having considered the totality of facts and circumstances of the case and the fact that both the parties picked up the quarrel and exchanged the blows, I consider it just and proper to enlarge the accused petitioners on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioners Hansraj s/o Purna Ram and Mahendra s/o Purna Ram be released on bail in FIR No.302/2007, P.S. Sadulshahar, Distt. Sri Ganganagar provided each of them furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-